

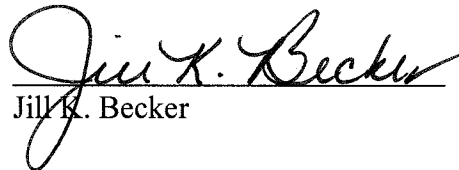
**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2157**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Matsa et al. Confirmation No.: 4980
Serial No.: 09/866,410 Group Art Unit: 2157
Filed: May 25, 2001 Examiner: Lashonda T. Jacobs
Title: ROUTING INSTANT MESSAGES USING CONFIGURABLE,
PLUGGABLE DELIVERY MANAGERS

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to:
Examiner Lashonda T. Jacobs, Group Art Unit 2157, United States Patent and
Trademark Office, Alexandria, VA 22313-1450, on July 10, 2006.


Jill K. Becker

Date of Signature: July 10, 2006.

To: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pre-Appeal Brief Request for Review

Dear Sir:

This paper is co-filed with a Notice of Appeal from the rejection mailed March 10, 2006, in connection with the above-designated application. By this paper, applicants request pre-appeal brief review of the noted rejection received for the above-identified application. No amendments are being filed with this request.

Remarks

Applicants respectfully submit that the Final Office Action, and in particular, the asserted combination of Thro et al. (U.S. Patent No. 6,147,997; hereinafter Thro) in view of Somashekar et al. (U.S. Publication No. 2002/0116477; hereinafter Somashekar) fails to state a *prima facie* case of obviousness against applicants' recited invention.

Applicants respectfully submit that a *prima facie* case of obviousness is not stated in the Final Office Action in connection with their independent claims for at least the reason that one or more aspects of applicants' independent claims are not fully addressed in the Final Office Action or Advisory Action and are missing from the cited references, as described below.

In one aspect, applicants' invention is directed to routing instant messages, in which a delivery policy to be used to route an instant message to an intended recipient is defined at runtime by a pluggable delivery manager. Applicants respectfully submit that, at the very least, applicants' claimed feature of defining a delivery policy at runtime by a pluggable delivery manager is not described, taught or suggested in the combination of Thro and Somashekar, and not fully addressed in the Final Office Action.

For instance, in the Final Office Action, it is stated, "However, Thro does not explicitly disclose: defining, at runtime a pluggable delivery manager." The Final Office Action further states that Somashekar teaches defining, at runtime a pluggable delivery manager, and that: "Giving the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment..." Applicants respectfully submit that a teaching by Somashekar of "configuring before deployment" is not a teaching of "defining at runtime". It is well known that preconfiguration is not the same as defining at runtime.

Applicants respectfully submit that the Final Office Action does not address, at the very least, applicants' defining at runtime feature, as claimed in the independent claims. Further, the Advisory Action also does not address this feature, except to state that it is taught by the combination.

For a further discussion of this point, see applicants' response to Final Office Action mailed May 10, 2006 on page 3, last paragraph.

For at least the above reasons, applicants respectfully submit that clear errors have been made in the Final Office Action with respect to the rejection of the subject matter recited in their independent claims, and as such, withdrawal of the rejection of all pending claims under 35 U.S.C. 103 as being unpatentable over the combination of Thro and Somashekar is respectfully requested.

Respectfully submitted,

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Dated: July 10, 2006

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